

EUREKA TOWNSHIP  
PLANNING COMMISSION MINUTES  
REGULAR MEETING  
January 6, 2010 (reconvened)  
Eureka Town Hall  
Dakota County, Minnesota

The Eureka Township Planning Commission meeting was reconvened after the regularly scheduled meeting was recessed on January 4, 2010.. The meeting was called to order by Chair Vince Mako at 7:07 p.m.

Members Present: Vince Mako, Ken Olstad, Pete Storlie, Kenny Miller, Cheryl Groves. The Town Board representative for the January meeting was Supervisor, Nancy Sauber. Supervisor, Jeff Otto, was also present. Carol Kelly, Recorder was present.

The January 4 agenda was continued.

**D. OTHER BUSINESS**

**5. Ordinance Updates**

Ken Olstad presented the Ordinance Updates. Discussion took place on a number of items and the entire list was not reviewed at the January 6 meeting. Following is a summary of the review thus far.

**DEFINITIONS:**

Ken outlined the changes, updates and deletions made to the Definition section of the Ordinances. Discussion surrounded the following items:

Commercial Agriculture - There was discussion regarding the definition of Commercial Agriculture, specifically the 10-acre requirement.

Dog Kennel - There was a question as to why the number of dogs was changed from 6 to 4 in the definition of a dog kennel. Ken will research.

Home Occupation – The updated version was shortened. Discussion followed and it was decided to reinstate the old definition.

Livestock – Question whether or not horses should be included as livestock. It was decided to leave as is since this was taken from a state statute.

Junk – Question posed as to what are “scrap hazard signs”. It was decided the word hazard would be removed from the definition.

Swimming Pool – Question if landscaping ponds would be included in the definition if more than 36 inches deep. Because it is not a fixed-in-place structure the definition does not apply to landscape ponds.

Non-Conforming Use or Structure/Use or Structure, Non-Conforming – Although the same, both definitions left in for clarity purposes.

### **ORDINANCE 3: ZONING**

#### Chapter 1: General Provisions

##### Section 4 – Non-Conforming Uses and Structures

Some discussion about how to determine abandonment. Language was approved.

#### Chapter 3: Residential Buildable Lots

- This chapter is not yet complete.
- More work needs to be done on the density requirements.
- Shared driveways are not addressed but should be addressed in the next revision.
- Additional discussion about driveways and some changes were made to the language.

#### Chapter 4: Building Permits, Building Regulations, and Performance Standards

##### Section 7 – Standards for Accessory Uses or Structures

###### E.1. Prohibitions

It was discussed and agreed that language should be changed in order to accommodate specific needs/requirements. An attorney will review the updated language.

##### Section 8 – Home Occupations

This section will be removed for additional work and further review.

Comment made to update numbering due to removal of this section.

##### Section 10 – Swimming Pools

###### B.3. Safety Fence

There was discussion about what is a non-climbable pool wall. Ask attorney about language to make sure it meets the intent of the Township.

Further discussion as to whether or not existing pools would have to meet these ordinances updates.

###### C.11. Performance Standards

Ask attorney about language to make sure it meets intent and does not cause confusion for pool owners trying to obtain permits.

## Chapter 7: Domestic and Non-Domestic Animals

### Section 2 – Private Dog Kennels

A.2. Language added to include adjacent structures not just existing structures.

### Section 4 – Performance Standards

D. Discussion about the change of 250 feet to 175 feet from any residential dwelling for confined animals. Decided to leave at 175 feet.

## Chapter 8: Signs on Private Property

### Sections 2 & 3 – Signs

A couple of changes were made for clarification.

## **ORDINANCE 5: LIVABILITY**

### Chapter 4: Nuisances

#### Section 7 – Junk

A question was raised about enforcement. A discussion followed regarding the value of the ordinance and its intent. Other townships have also found this to be a very controversial subject. Recognizing the concerns expressed, it was decided the ordinance would remain as is expecting that a degree of reasonableness will be taken into consideration when making any judgements.

#### Section 8 – Noise

##### C.7. Truck Idling

There was discussion about the validity of this ordinance.

A motion by Vince Mako: To leave the Truck Idling Ordinance in and take it forth to the Public Hearing. Ken Olstad seconded the motion. The motion passed 4 to 1.

##### C.10. Compression Brakes

In areas where there is constant truck traffic posting should be considered.

Discussion regarding the Special investigation penalty fee.

Further discussion about procedure for going forward and making public aware of the Public Hearing surrounding the Ordinance Changes

Remaining Ordinance review will take place at next meeting.

A motion by Vince Mako: To adjourn. The motion was seconded by Ken Olstad and carried unanimously.

Meeting adjourned at 11:15 p.m.

Minutes submitted by Carol Kelly, Recorder for Eureka Township Planning Commission.